

APD General Orders Recommendation

September 15, 2020



OFFICE OF
POLICE OVERSIGHT

Impartial Attitude and Courtesy Policy Personal Conduct Policy

On September 15, 2020, The Office of Police Oversight (OPO) recommended an update to two policies that impact Austin police officer conduct and accountability. These recommendations are based on a comprehensive analysis of best practices to improve community members' experience when interacting with the police.

The Austin Police Department's General Orders establishes the guidelines for the practices and conduct of police officers. The Impartial Attitude and Courtesy policy and the Personal Conduct policy set expectations for professionalism, courtesy, and equitable treatment when officers engage with community members. One of the most common complaints the OPO receives from community members alleges disrespectful or impolite behavior during interactions.

OPO conducted a review of police department policies across the country related to professionalism and impartiality. The analysis revealed that APD's current Impartial Attitude and Courtesy and Personal Conduct policies are not clearly written for real-world situations. OPO's recommendations are based on best practices and will enable officers to uphold these fundamental policies in the community.

These recommendations include:

1. Adding six new sections to the Impartial Attitude and Courtesy policy.
2. Imposing firmer discipline for violations of the Impartial Attitude and Courtesy policy, especially related to violations that come from treating people differently due to personal characteristics or status.
3. Shifting the policies related to tact, vulgar language, and diplomacy from the Personal Conduct policy to the Impartial Attitude and Courtesy policy, increasing accountability by aligning discipline with the seriousness of the violation.
4. Broadening the Personal Conduct policy as it relates to employees displaying offensive content or materials.

Read the complete recommendation language below.

301.2 IMPARTIAL ATTITUDE AND COURTESY

Employees shall provide equal and fair protection of all rights under local, state, and federal law for all members of the community. Law enforcement will be conducted in an impartial and equitable manner.

In an effort to create an organizational culture that is inclusive and nondiscriminatory, employees shall act professionally, treat all persons fairly and equally, and strive to interact with the community in a positive manner beyond engagement in law enforcement activity. Employees will perform all duties objectively and without regard to personal feelings, animosities, friendships, financial status, occupation or employment status, sex, disability status, familial status, housing status, mental health or ability, attire or physical appearance, citizenship, language, national origin, creed, color, race, religion, political beliefs, sexual orientation, gender identity, gender expression, ethnicity, or social background.

- (a) Employees will not express or otherwise manifest any prejudice concerning any of the above-listed categories or characteristics.
 - 1. Employees will follow data-driven best practices, as agreed upon by the Chief or a designee and entities such as the Office of Police Oversight, the Community Police Review Commission, and the Equity Office, in executing their duties in an equitable and impartial manner.
 - 2. Employees will endeavor to understand and respect cultural, national, racial, religious, physical, mental, and other differences.
 - 3. Employees will respect the rights of individuals and will not engage in discrimination, oppression, or favoritism whether by language, act, or omission.
 - 4. The use of remarks, slurs, epithets, words or gestures, which are derogatory or inflammatory in nature, to or about any person or group of persons is strictly prohibited.
- (b) Employees will be tactful in the performance of their duties, control their tempers, exercise patience and discretion, and shall not engage in argumentative discussions even in the face of extreme provocation.
- (c) Employees will treat all persons with dignity and will make every effort to be courteous, kind, patient, and respectful toward all persons, showing consideration for the welfare of all persons with whom they interact.
- (d) Employees will not ridicule, mock, taunt, embarrass, humiliate, belittle, or shame any person, nor do anything that might incite that person to violence.
- (e) Employees will not use indecent, profane, or harsh language or gestures while interacting with, or in the vicinity of, members of the community or other City employees.
- (f) Employees will not use indecent, profane, or harsh language or gestures when communicating with their chain of command or fellow officers.

- (g) Officers shall not encourage, condone, or ignore any of the behaviors described in subsections (a)-(f).
- (h) Employees shall report any potential violations of this order in writing to a supervisor in the employee’s chain of command up to and including the Chief of Police. Employees shall make such reports by the end of the shift in which the potential violation occurred. Supervisors will initiate investigations of any reported violations of this order within 3 days of being notified.

Current APD Discipline Matrix

Courtesy (rudeness complaints)	301- Responsibility to Community 301.2	Oral Reprimand to 1-3 Days	Increased one level	Increased one level
Impartial attitude	301- Responsibility to Community 301.2	Fact Specific		

Recommended Changes to APD Discipline Matrix

<u>Impartial Attitude and Courtesy</u>	<u>301 – Responsibility to the Community 301.2(a)</u>	<u>Temporary suspension and training relevant to the violation (training will be agreed upon by the Chief or a designee and entities such as the Office of Police Oversight, the Community Police Review Commission, and the Equity Office)</u>	<u>Indefinite Suspension</u>	
<u>Impartial Attitude and Courtesy</u>	<u>301 – Responsibility to the Community 301.2(b)-(e), (h)</u>	<u>Written reprimand to 1-3 days</u>	<u>Increased one level</u>	<u>Increased one level</u>
<u>Impartial Attitude and Courtesy</u>	<u>301 – Responsibility to</u>	<u>SR Minor Policy Violation</u>	<u>Increased one level</u>	<u>Increased one level</u>

	<u>the Community 301.2(f)</u>			
<u>Impartial Attitude and Courtesy</u>	<u>301 – Responsibility to the Community 301.2(g) [related to violations of subsection (a)]</u>	<u>Temporary suspension and training relevant to the violation (training will be agreed upon by the Chief or a designee and entities such as the Office of Police Oversight, the Community Police Review Commission, and the Equity Office)</u>	<u>Indefinite suspension</u>	
<u>Impartial Attitude and Courtesy</u>	<u>301 – Responsibility to the Community 301.2(g) [related to violations of subsections (b)-(e), (h)]</u>	<u>Written reprimand to 1-3 days</u>	<u>Increased one level</u>	<u>Increased one level</u>
<u>Impartial Attitude and Courtesy</u>	<u>301 – Responsibility to the Community 301.2(g) [related to violations of subsection (f)]</u>	<u>SR Minor Policy Violation</u>	<u>Increased one level</u>	<u>Increased one level</u>

900.3.4 PERSONAL CONDUCT

(a) Employees will not knowingly enter a location engaged in prostitution, illegal gambling, or any establishment wherein laws are being violated.

(b) Supervisors will not place themselves under financial obligation to a subordinate.

(c) While on-duty or on the premises of City facilities, employees will not:

~~1. Use loud, indecent, profane, or harsh, derogatory language, or use belittling term in any communications language~~

~~2. Ridicule, mock, taunt, embarrass, humiliate, or shame any person, nor do anything that might incite that person to violence.~~

1. Indulge in “horseplay.”

2. Produce or display graffiti of any nature.

3. Post or display derogatory, offensive or lewd content and materials which could degrade or lower the self-esteem of fellow-employees and would undermine the goal of professionalism within APD.

4. Engage in any sexual conduct including lewd acts or solicitation for sex.

Current APD Discipline Matrix

900.3.4 Personal Conduct is not specified in the current APD Discipline Matrix

Recommended Changes to APD Discipline Matrix

Personal Conduct	900 – General Conduct and Responsibilities 900.3.4	Fact specific		
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ⁱ Underlined wording represents recommended changes.